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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,351	09/30/2003	William T. Ball	P06545US0-144	5782
34082	7590	06/23/2006	EXAMINER	
ZARLEY LAW FIRM P.L.C. CAPITAL SQUARE 400 LOCUST, SUITE 200 DES MOINES, IA 50309-2350			PATEL, VISHAL A	
			ART UNIT	PAPER NUMBER
			3673	

DATE MAILED: 06/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/675,351	Applicant(s) BALL, WILLIAM T.	
	Examiner Vishal Patel	Art Unit 3673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Gassmann et al (US. 4,917,407).

Gassmann discloses a pipe coupling comprising a first hollow fitting (fitting having 7) having opposite first and second ends (first and second ends of the first hollow fitting), with the first end (end having 25) being adapted for connection to a first pipe (first end having 25 is capable of being connected to a first pipe) and having a sleeve (sleeve having 11 and 10) with an inwardly crimped detent (detent 10 that prevents the connector from rotating), a second hollow fitting (fitting having 1 and 2) having first and second ends (second end receiving detent 10 in a groove) with the second end having a groove (the groove that receives the detent 10) for receiving the detent of the first hollow fitting to define a fluid conduit extending through interiors of the first and second hollow fittings, first and second adjacent wells in the second hollow fitting (wells formed in 1 on top distal end or bottom distal end, that is part of the second hollow connector), with the first well being adjacent the second end of the second fitting and having an upper end terminating in the first well, with both the first and second wells comprising at least a part of the fluid conduit, the first and second wells being cylindrical in shape with the second well having a diameter greater than the diameter of the first well (the first well and the

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second wall are part of the fluid conduit formed by the first and second hollow connector, the second well is adjacent the second end, an upper end of the second well terminates in the first well). The second hollow fitting is capable of receiving pipes that have different diameters, since the second hollow fitting have different inner diameters at ends of the fitting.

Regarding claim 2: The first and second wells have sidewalls adapted for being fixed secured to the inlet pipe (the wells are capable of being fixed to an inlet pipe).

Regarding claim 3: The first hollow fitting is comprised of metal and the second hollow fitting is comprised of plastic (the second hollow fitting is made of plastic).

Regarding claim 5: One of the first and second wells is adapted to secure a pressurized fluid supply pipe therein (the wells are capable of being fixed to a pressurized pipe).

Regarding claim 6: The first hollow fitting has means on its first end for coupling to a first pipe (means that are threads that connect pipe 3 to the first end of the first hollow fitting).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gassmann in view of Auvil et al (US. 4,917,407).

Gassmann discloses the invention substantially as claimed above but fails to disclose that at least one well having adhesive. Auvil discloses a fitting having a well and an adhesive in the well for connecting a pipe. It would have been obvious to one having ordinary skill in the art at

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the time the invention was made to have the wells of the second hollow fitting to have adhesive as taught by Auvil to provide a secure connection between the well of second hollow fitting and a pipe that can be inserted into the well (see Auvil).

Response to Arguments

5. Applicant's arguments filed 4/25/06 have been fully considered but they are not persuasive.

Applicants' argument is not persuasive because the hollow fitting 1 of Gassmann has multiple wells that can be attached to a pipe. Applicants' argument that the member 1 cannot be considered to be a fitting is not persuasive because the member 1 is capable of being attached to a pipe (since all valves have two pipe connections, inlet and outlet). Furthermore the member 1 has all the structural limitations as claimed by applicant.

6. In response to applicant's argument that "whereupon...first hollow fitting", a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. Furthermore as stated above, the second hollow fitting has two wells that have different diameters that are capable of receiving two different sizes of pipes. It is also well known to one skilled in the art that the second hollow fitting of Gassmann is capable of having pipe connections (evidence shown by Woods). This argument is also applied to claim 5.

7. Applicants' argument to claim 7 is moot in view of new grounds of rejection above.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vishal Patel whose telephone number is 571-272-7060. The examiner can normally be reached on 6:30am to 8:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia L. Engle can be reached on 571-272-6660. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VP
June 21, 2006

A handwritten signature in black ink, appearing to read "Vishal Patel", with a stylized flourish at the end.

Vishal Patel
Primary Examiner
Tech. Center 3600